

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TRANSCRIPT OF STATUS CONFERENCE
BEFORE THE HONORABLE LEONARD D. WEXLER
UNITED STATES DISTRICT COURT JUDGE

13 APPFARANCES:

14 For the Plaintiffs: ROBERT G. SUGARMAN, ESQ.
15 JESSIE MISHKIN, ESQ.
Weil Gotshal & Manges, LLP

16 For the Defendants: MAUREEN LICCIONE, ESQ.
17 Jaspan Schlesinger
18 300 Garden City Plaza
Garden City, New York 11530
For Southampton Town

18 BRIAN S. SOKOLOFF, ESQ.
20 LEO DORFMAN, ESQ.
21 Sokoloff Stern
355 Post Avenue
Westbury, New York 11590
22 For Westhampton

23 MARCI HAMILTON, ESQ.
24 Benjamin Cardozo School of Law
25 55 Fifth Avenue
New York, New York 10003
For Village of Quogue

1 which I'm looking up, January 2nd.
 2 THE COURT: It's January 3rd, I believe.
 3 MR. SOKOLOFF: January 3rd.
 4 THE COURT: Okay, January 3rd.
 5 In the meantime, they can file and we'll see
 6 what you do and we'll see what the board has to say about
 7 it -- they don't have to file, just do what you have to
 8 do.

9 MR. SUGARMAN: Your Honor, in other words, we
 10 can go forward with the Eruv in Westhampton Beach.

11 THE COURT: Subject to what they are going to
 12 do, since they say they don't know, they haven't discussed
 13 it.

14 So, fine, and they want to make a motion to
 15 dismiss. Okay. I'm granting it.

16 Let's go to Quogue.

17 MS. DEJONG: Your Honor, Quogue also would like
 18 to make a motion to dismiss.

19 THE COURT: What do you say concerning your
 20 ordinance?

21 You have an ordinance.

22 MS. DEJONG: We have an ordinance, your Honor,
 23 that say the lechis apply.

24 THE COURT: In your ordinance it says if it
 25 interferes with a projection or encroachment and you are

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 1 claiming that the stick on the pole interferes with the
 2 egress and interferes with people walking on the streets
 3 and cars.

4 Okay. I understand that.

5 MS. DEJONG: Your Honor, basically what we are
 6 saying, really, I think the first step is that the
 7 plaintiffs need to apply, that's all.

8 That's what we are saying at this point. I
 9 can't tell you what the village is going to say.

10 THE COURT: I'm going to make the same ruling to
 11 them so you will find out what the village will say.

12 MS. DEJONG: They haven't applied.

13 THE COURT: When are you going to apply?
 14 When are you going to do it?

15 MR. SUGARMAN: Your Honor, the problem is,
 16 unlike Southampton, which had a procedure, there is no
 17 procedure in Quogue for us to apply.

18 Counsel says --

19 THE COURT: She says there is.

20 MR. SUGARMAN: Your Honor, there is one other
 21 point.

22 THE COURT: It would be so much easier if you
 23 applied, they would say yes or no.

24 MR. SUGARMAN: Your Honor, there are two
 25 problems.

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1 One is there is no procedure as there is in
 2 Southampton. The second is you said it in your decision
 3 and you have repeated it this morning that their argument
 4 that it's an encroachment or a projection is what you said
 5 questionable.

6 THE COURT: Good.

7 It's going to be delayed. File, will you,
 8 please?

9 MR. SUGARMAN: Your Honor, what I would ask the
 10 court to do, because this is just further delay, is allow
 11 us to put the Eruv up in Quogue and we will then submit an
 12 application, although we don't know how.

13 But in the interim, at least, Mr. Lean, for
 14 example, who lives in Quogue --

15 THE COURT: Will you do it my way? File it.

16 You don't know how, very simple. Fill out the
 17 form and give it to them and see what they do with it.
 18 I'm allowing you to go ahead subject to what they do with
 19 it and see what the rights are.

20 MR. SUGARMAN: Allowing us to go ahead and put
 21 up the Eruv in Quogue as in Westhampton and apply.

22 THE COURT: No. Apply first then do it
 23 immediately.

24 MR. SUGARMAN: Apply first, put up the Eruv
 25 immediately, and wait to see what they do.

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1 THE COURT: There's three separate ordinances
 2 involved.

3 MR. SUGARMAN: Correct.

4 THE COURT: The one has nothing.

5 There you can go ahead immediately. They have
 6 something. Will you please apply there first. Do it in
 7 Westhampton Beach. If they delay it, let me know, and we
 8 will then change our position.

9 You understand that?

10 MR. SUGARMAN: Put it up in Westhampton Beach,
 11 make an application to Quogue.

12 THE COURT: Yes.

13 MR. SUGARMAN: And keep you posted if there is a
 14 delay.

15 THE COURT: Right.

16 MR. SUGARMAN: But not put it up in Quogue for
 17 the moment.

18 THE COURT: Yes. Okay.

19 Satisfied?

20 MS. DEJONG: Yes, your Honor, and --

21 THE COURT: It's amazing how the boards haven't
 22 discussed this issue and we don't know where they stand
 23 until an application is made. Even though they have hired
 24 lawyers to fight it, they have never discussed it.

25 Okay. That's very interesting.

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